

1 **MICHELE O. BLAIS, ESQ. [CA SB NO. 157132] Admitted *PRO HAC VICE***  
2 **BRANSON, BRINKOP, GRIFFITH & STRONG, LLP**  
3 643 Bair Island Road, Suite 400  
4 Redwood City, CA 94063  
5 Telephone: (650) 365-7710  
6 Facsimile: (650) 365-7981

7 **MARK B. SCHELLERUP, ESQ. [NV SB NO. 7170]**  
8 **ROBINSON & WOOD**  
9 5556 S. For Apache Rd., Ste. 100  
10 Las Vegas, NV 89148  
11 Telephone: (702) 363-5100

12 Attorneys for Plaintiff, PROBUILDERS SPECIALTY INSURANCE COMPANY, RRG

13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 **PROBUILDERS SPECIALTY INSURANCE**  
16 **COMPANY, RRG, a District of Columbia**  
17 **Company,**

18 Plaintiff,  
19 vs.

20 **HUNTER INSURANCE SERVICES, INC., a**  
21 **California Corporation; and DOES 1 through**  
22 **10, inclusive,**

23 Defendants.

24 Case No: 2:11-cv-01466 KJD PAL

25 **AMENDED**  
26 **JOINT DISCOVERY PLAN AND**  
27 **SCHEDULING ORDER; SPECIAL**  
28 **SCHEDULING REVIEW REQUESTED**

29 Complaint Filed: September 12, 2011  
30 Discovery Cut-Off: None  
31 Motion Cut-Off: None  
32 Trial Date: None

33 Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure ("FRCP") and Local Rule  
34 26-1, Plaintiff PROBUILDERS SPECIALTY INSURANCE COMPANY, RRG ("Plaintiff" or  
35 "PROBUILDERS") and Defendant, HUNTER INSURANCE SERVICES ("Defendant" or  
36 "HUNTER"), by and through their respective counsel of record, hereby submit this Amended Joint  
37 Discovery Plan and Scheduling Order.

38 Special Scheduling Review is requested because there is a related, underlying matter in  
39 California Superior Court, County of Riverside, *ProBuilders Insurance Services, RRG v. Jose Luis*

1 *Cardenas, et al.*, Case No. INC 060947. This matter was tried earlier this year, and a motion for  
 2 judgment was filed and heard on March 29, 2012. The parties are currently awaiting a ruling on the  
 3 motion for judgment. If the court denies the motion, the parties must return to court and address  
 4 damages. Should this happen, the damages being claimed by Plaintiff in this action will be affected.

5 **I.**

6 **SUPPLEMENTAL DISCLOSURES [Rule 26(e)]**

7 Plaintiff and Defendant have exchanged initial disclosures. The parties will supplement  
 8 those disclosures, if necessary, including advising of additional witnesses, documents or categories  
 9 of documents available for inspection and copying, and categories of damages. Defendant will  
 10 identify and provide copies of all insurance policies that may satisfy part of a judgment in this  
 11 action, if granted.

12 **II.**

13 **POTENTIAL WITNESSES [Fed. R. Civ. P. 26(a)(1)(A)]**

14 The parties submit this disclosure statement pursuant to Rule 26 of the Federal Rules of  
 15 Civil Procedure. Pursuant to Fed. R. Civ. P. 26(e), the parties reserve their right to supplement the  
 16 disclosures made herein as discovery continues.

17 1. PMK of Hunter Insurance Services, Inc.  
 18 c/o Murchison & Cumming, LLP  
 19 Michael J. Nuñez, Esq.  
 20 6900 Westcliff Drive, Suite 605  
 21 Las Vegas, Nevada 89145

22 Person Most Knowledgeable is expected to testify as to the facts and circumstances  
 23 surrounding the alleged incident which is the subject of this lawsuit.

24 2. Angela White  
 25 c/o Murchison & Cumming, LLP  
 26 Michael J. Nuñez, Esq.  
 27 6900 Westcliff Drive, Suite 605  
 28 Las Vegas, Nevada 89145

29 Ms. White is expected to testify as to the facts and circumstances surrounding the alleged  
 30 incident which is the subject of this lawsuit.

3. Mark Hunter  
c/o Murchison & Cumming, LLP  
Michael J. Nuñez, Esq.  
6900 Westcliff Drive, Suite 605  
Las Vegas, Nevada 89145

Mr. Hunter is expected to testify as to the facts and circumstances surrounding the alleged incident which is the subject of this lawsuit.

4. PMK of ProBuilders Specialty Insurance Services, RRG

c/o Branson Brinkop Griffith & Strong, LLP  
Michele O. Blais, Esq.  
643 Bair Island Rd., Suite 400  
Redwood City, CA 94063

PMK for ProBuilders Specialty Insurance Services, is expected to testify as to the facts and circumstances surrounding the alleged incident which is the subject of this lawsuit.

5. All witnesses disclosed by any other party.

Discovery is continuing and, therefore, the parties reserve the right to supplement this disclosure as additional facts are discovered.

III.

**DOCUMENTS [Fed. R. Civ. P. 26(a)(1)(A)]**

The parties will make available those non-privileged, relevant documents that are in their possession, custody or control.

IV.

## **DISCOVERY PLAN [Rule 26(f)(3)(B)]**

There is an underlying state court action which has not yet resolved. Due to that underlying action, limited discovery is anticipated in this action, as the parties already have a significant amount of information.

A. Discovery Cut-Off LR 26-1(e)(1): October 31, 2012

11

111

111

1 V.

2 **DISCLOSURE OR DISCOVERY OF ELECTRONICALLY-STORED INFORMATION**

3 **[FRCP 26(f)(3)(C)]**

4 The parties are unaware of any issues regarding the disclosure or discovery of electronically-  
5 stored information at this point.

6 VI.

7 **CLAIMS OF PRIVILEGE OR PROTECTION [FRCP 26(f)]**

8 The parties are unaware of any issues requiring a protective order at this time.

9 VII.

10 **APPLICABLE DEADLINES**

11 **[LR 26-1]**

12 A. Amending pleadings and adding parties August 3, 2012  
13 B. Expert disclosures  
14 1. Initial Expert Disclosures: July 30, 2012  
15 2. Rebuttal Expert Disclosures: August 29, 2012  
16 C. Discovery Cut-Off [LR 26-1(e)(1)]: October 31, 2012  
17 D. Dispositive Motions [LR 26-1(e)(4)]: November 30, 2012  
18 E. Joint Pre-Trial Order [LR 26-1(e)(5)] December 30, 2012

19  
20 Dated: May 7, 2012

21 MURCHISON & CUMMING, LLP

22  
23 By: /s/  
24 Michael J. Nuñez, Esq.  
25 Nevada Bar No. 10307  
26 6900 Westcliff Drive, Suite 605  
27 Las Vegas, Nevada 89145  
28 Attorneys for Hunter Insurance Service, Inc.

29 ///

30 ///

1 Dated: May 7, 2012

BRANSON BRINKOP GRIFFITH & STRONG, LLP

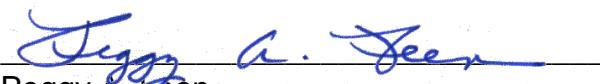
2  
3 By: \_\_\_\_\_/s/

4 Michele O. Blais, Esq.  
5 California Bar No. 157132  
6 643 Bair Island Rd., Suite 400  
7 Redwood City, CA 94063  
8 Attorneys for ProBuilders Specialty Insurance  
9 Services, RRG

10  
11  
12  
13 ORDER

14 IT IS ORDERED that the parties' [25] Amended Joint Discovery Plan and  
15 Scheduling Order; Special Scheduling Review Requested, is DENIED. Counsel shall  
16 submit either a status report indicating when this matter will be dismissed or a discovery  
17 plan and scheduling order within 14 days of a decision in the underlying state court  
18 action which counsel advised this court during the 5/08/12 hearing is expected in no  
19 longer than 60 days.

20 DATED this 14th day of May, 2012.

21  
22  
23  
24  
25  
26  
27  
28   
Peggy A. Leen  
United States Magistrate Judge

BRANSON BRINKOP GRIFFITH & STRONG LLP  
643 BAIR ISLAND ROAD, SUITE 400  
REDWOOD CITY, CALIFORNIA 94063  
TELEPHONE (650) 365-7710